

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE COMMUNITY CHURCH OF CHESTERLAND OHIO, et. al,)	CASE NO. 1:24-cv-00642
Plaintiffs,)	JUDGE BRIDGET M. BRENNAN
v.)	
AIMENN D. PENNY, et al.,)	<u>SUPPLEMENTAL PROTECTIVE ORDER</u>
Defendants.)	

This matter is before the Court upon the request of the parties and the United States of America for a protective order permitting disclosure of official information of the United States Department of Justice (“DOJ”).

WHEREAS, the Federal Bureau of Investigation (“FBI”) is in possession of documents, records, items and information collected in the course of a criminal investigation; and

WHEREAS, such documents, records, items and information may be relevant to the above captioned case; and

WHEREAS, counsel for Plaintiffs have requested discovery of certain documents, records, items and information pursuant to 28 C.F.R § 16.21 et seq. (“*Touhy* regulations”) and Fed R. Civ. P. 45; and

WHEREAS, the documents, records, items and information contain personal and sensitive information of the parties, third parties and/or persons not presently before the Court; and

WHEREAS, federal law, including the Privacy Act, 5 U.S.C. § 552a, requires the United States to obtain a Court order permitting disclosure of such personal and sensitive information; and

WHEREAS, the Court has previously entered a Stipulated Protective Order in this case which permits the parties and/or any other person with standing concerning the subject matter to seek modification through further order of the Court (*see* ECF No. 35, para. 12.); and

WHEREAS, the DOJ desires to make such documents, records, items and information available only upon the terms and conditions contained in the Stipulated Protective Order and this Order;

NOW, THEREFORE, UPON GOOD CAUSE SHOWN, the Court orders the following:

1. This Order is entered for the purpose of protecting the inappropriate disclosure of official DOJ information pursuant to the objectives of the Privacy Act, 5 U.S.C. § 552a, relevant DOJ regulations (including 28 U.S.C. §§ 16.21 et seq.), and other applicable law.
2. The United States agrees, and the Court orders, that the FBI is to make available to counsel for the parties official DOJ documents, records, items and information as set forth in the authorization letter issued by Acting United States Attorney Carol M. Skutnik.
3. The parties agree and the Court orders that documents, records, items and information made available by the FBI pursuant to this Order shall be used only for the purposes of preparing for and prosecuting/defending this litigation. Further, such information shall only be available to attorneys for the parties, their employees, the parties themselves, and consultants or experts retained or utilized by the parties. Any person to whom disclosure is made shall be bound by the terms of this Order and counsel for the parties shall be obligated to inform such persons of this Order prior to making any disclosure. Neither the parties, nor their counsel, nor any individual to whom official information has been made available shall make any further disclosure of information or materials covered

under this Order except as authorized herein. Nothing in this Order prohibits the parties, to the extent permitted by the Court, from offering into evidence and using as an exhibit at trial any of the information and/or materials covered by this Order.

4. Nothing in this Order constitutes any decision by the Court concerning discovery disputes or the admission into evidence of any specific document, record, item or information. Further, this Order does not constitute a waiver of any right to object to the discovery or admission into evidence of any information or material subject to this Order.
5. The parties agree and the Court orders that the documents, records, items and information made available pursuant to this Order shall remain the property of the DOJ. To the extent that a party, their counsel, or other authorized person receives copies of any documents, records, items or information that is subject to this Order, such person, upon conclusion of this action (including appeals) shall return to the FBI or destroy such copies within thirty days of the conclusion of these proceedings.

IT IS SO ORDERED.



JUDGE BRIDGET M. BRENNAN

7/25/25

DATE

Approved by:

CAROL M. SKUTNIK
Acting U.S. Attorney

/s/ James R. Bennett II (with consent)
JAMES R. BENNETT II
Assistant U.S. Attorney

Counsel for United States of America

/s/ Justin E. Herdman
JUSTIN E. HERDMAN, ESQ.
MICHAEL QUINLAN, ESQ.
JAMES PASCH, ESQ.

*Counsel for Plaintiffs Community
Church of Chesterland Ohio, Jess
Peacock, and Constance Becker*

/s/ Jason Lee Van Dyke (with consent)
JASON LEE VAN DYKE, ESQ.

*Counsel for Defendants Chris Uthe,
Brandon Perdue, and Sherri Perdue*

/s/ Maxwell Martin (with consent)
MAXWELL MARTIN, ESQ.

Counsel for Aimenn Penny